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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re: Chapter 11

FMTB BH LLC, Case No: 18-42228-cec

Debtor.

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**DECLARATION IN SUPPORT OF MOTION
FOR THE ENTRY OF AN ORDER PURSUANT TO SECTION
365 OF THE BANKRUPTCY CODE AUTHORIZING THE DEBTOR
TO ASSUME EXECUTORY CONTRACTS AND GRANTING RELATED RELIEF**

Joel Leifer, hereby declares the following to be true under penalty of perjury:

1) This declaration is submitted in support of FMTB BH LLC's (the "Debtor") Motion for the Entry of an Order Pursuant to Section 365 of the Bankruptcy Code Authorizing the Debtor to Assume Executory Contracts and Granting related Relief (the "Motion").

2) It is my understanding that in order to assume the Contracts,¹ the Debtor must have available funds to pay (a) \$2,113,755.00 as the outstanding balance due under the Contracts and (b) \$13,755.00 to cure any defaults under the Contracts.

3) Attached to this declaration is a true and correct copy of a letter from Merrill Lynch showing that I have approximately \$4 million in a Merrill Lynch Cash Management Account that is available for me to use at my sole discretion . In addition, based on the

approximately \$4 million in that same account, I also have available to me a line of credit in the approximate amount of \$3.2 million or 80% of the \$4 million that is currently in the cash management account. The line of credit has a zero balance and is fully available for my immediate use.

4) I intend to make these funds available to the Debtor to close on the Contracts and cure its defaults. Therefore, the Debtor will have adequate liquidity to assume the Contracts.

I declare under penalty of perjury under the laws of the United States, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

/s/ Joel Leifer
Joel Leifer